



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NEW MARLBOROUGH OFFICE
OF THE BOARD OF SELECTMEN
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**Tara B White, Chair
Nathaniel H. Yohalem
Michele Shalaby
Board of Selectmen**

**Minutes of Selectmen's Meeting
May 19, 2014
Executive Session**

Board Members Present: Tara B. White, Chairman
Nathaniel Yohalem
Michele Shalaby

Others Present: Michael Skorput, Administrative Assistant
Sharon Fleck, Administrative Secretary

The meeting of the Board of Selectmen Executive Session convened at 7:35 p.m.

East Hill Road Property – Chairman Tara White advised she spoke with Ron Berenson, and that he had just gotten off the phone with the attorney for the high bidders. He advised her that the New Marlborough Selectmen were unwilling to convey the lot for an adjusted price. The attorney for the high bidder was also advised that the deposit would be returned with a letter, voiding the obligations of all parties. The contract deadline was extended to May 21, 2014 to give the Town a chance to decide how it wanted to proceed. The purchaser at this time is considering purchasing the lot for the full contract price of \$12,000.00 and will make a decision by May 21, 2014. Another email was received stating the buyer would purchase the lot for the full \$12,000.00 but wanted to subtract the survey price of \$2,400.00, which was not acceptable to the Board.

Chairman White spoke with Owen (?) who indicated he had not spoken with their lawyer to indicate he was not interested. He is still interested in purchasing this property in the event the high bidder decides to forego purchasing this property. Owen has taken measurements of the property and knows what size this property is and believes he can still do something with it and, in fact, had spoken with Tom Carmody about it. He is willing to pay \$11,000.00. Chairman White reminded Owen that she could not and would not discuss this with him and that an Executive Session of the Selectmen was to take place that evening.

Owen also had discussed this with Selectman Yohalem and indicated he wanted to buy this property, but had not spoken with the lawyer. Owen also claimed there was no third bidder. He also recalls that the instructions given by the auctioneer said that if the high bidder failed to perform, that the property is then offered to the second high bidder. Owen indicated that whatever the Board decided, he would not sue the town.

Selectman Yohalem suggested we advise the high bidder that the Town is prepared to proceed to sell the property for the \$12,000.00. If the high bidder decides not to purchase this property, we would return his deposit and rebid the property with sealed bids.

A discussion ensued as to whether or not the property could be sold to the next highest bidder for \$11,000.00. Selectman Yohalem advised if this type of transaction took place, he believed the Town would be liable for a lawsuit.

The Finkel property abuts this property but is in foreclosure proceedings due to taxes owed. Finkel could sell the property providing they paid the back taxes; however, if taxes are not paid and foreclosure moves forward, the Town will also own that property. In that scenario, there is the possibility that the two lots could be combined and sold as one, if the high bidder reneges on purchasing this property.

It was decided that if the highest bidder decided not to purchase the property for the \$12,000.00, his deposit would be refunded and the property put out to bid. May 21, 2014 is the deadline for the high bidder to decide whether or not he wishes to proceed with the purchase of this property.

Being that there was no further business to be brought before the Board, a motion was made, seconded and so voted by all members to adjourn the Executive Session at 7:48 p.m.

Roll Call:	Nat Yohalem	Yes
	Michele Shalaby	Yes
	Tara White	Yes

Respectfully submitted,

Sharon Fleck
Administrative Secretary